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Morales v. Potter
97-2459 (GAG)
Attachment 2

Motion to Compel

October 16, 2006

VIA FAX: (787) 766-6219

Fidel Sevillano-Del Río
U.S. Assistant District Attorney
District of Puerto Rico

***Re: Angel D. Morales v. John Potter
Case number 97-2459 (GAG)***

Dear Counsel,

Last Thursday October 12, 2006 the undersigned received by fax copy of a subpoena sent to psychiatrist Guillermo Hoyos for a deposition to be taken next Thursday October 19, 2006 starting at 10:00 a.m. at the US Attorney's office. Prior to said notification on a letter sent by the undersigned last October 6, 2006 I mentioned that doctor Hoyos was not in Puerto Rico and also that he was expected to return on October 16, 2006 (today). Further, I suggested to wait until said date to schedule his deposition. (Exhibit I)

In spite of the above you notified and scheduled a deposition without knowing his availability nor the undersigned. You absolute ignored our letter and went forward with the notification.

This morning I had the opportunity to contact doctor Hoyos and he does not has said date available for his deposition. Also the undersigned has a hearing before the San Juan Superior Court in the case of Mary Vega Sanabria vs. Yadira Jeanette Vélez Bermúdez civil number KCU 2006-0013 at 9:00 a.m. same date.

During our conversation doctor Hoyos said that the only date he has available is

next Thursday October 24, 2006 during the morning. I strongly advise to contact doctor Hoyos in order to schedule the deposition.

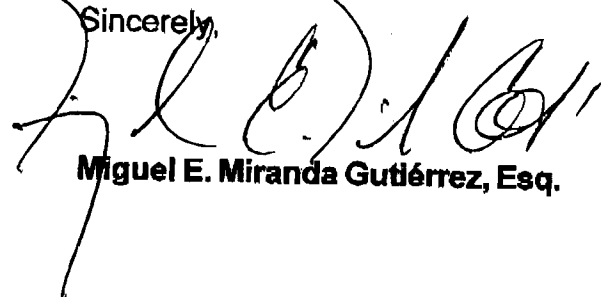
Also it is important to take in consideration the following information for the deposition of doctor Hoyos:

1. You requested him to produce a *"Complete psychiatrist record pertaining plaintiff Angel D. Morales Valledanes."* Said request has been already prohibited by the Court since the request of documents made to Plaintiff for his deposition. It has already been granted as a Protective Order requested by Plaintiff, therefore Dr. Hoyos will not provide the above requested documents.

2. Doctor Hoyos informed his professional fees for the taking of his deposition as \$1,200.00 for the four (4) hours or a fraction. After the first four (4) hours the charge is \$300.00 per hour.

Please take notice of the above and let us know your position.

Sincerely,

A handwritten signature in black ink, appearing to read 'Miguel E. Miranda Gutierrez', is written over the typed name. The signature is fluid and cursive.

Miguel E. Miranda Gutiérrez, Esq.